## REMARKS

Claims 149-183 are pending. Claim 170 has been amended. No new matter has been added. Claim 170 has been amended to recite "inheriting user profile attributes into the user profile from a group of which the user is a member," a feature already present in at least one other pending claim.

Claims 149-150, 158-161, 164-166, 169-170, and 175-176 were rejected under 35 U.S.C. 103(a) as being unpatentable over Becker (U.S. Patent No. 5,878,223), in view of Kramer (U.S. Patent No. 6,327,574). Applicants respectfully traverse this rejection.

Applicants have reviewed the references cited by the Examiner and note that none of the references, alone or in combination, disclose all the limitations of new independent claims 149, 158, 164, 170 and 175. None of the references disclose methods, apparatuses, or means including a user profile comprising a hierarchical attribute value-pair data structure and inheritance of user profile attributes into the user profile from a group in which the user is a member and wherein the content is selected based on the user profile and is used to enhance an audio video program. Additionally, Applicants note that none of the references, alone or in combination, disclose the step of selecting content for at least one user based on examination of at least one other user profile and wherein the content is selected based on the user profile and is used to enhance an audio video program.

The Examiner stated that Becker at col. 9, lines 59-60 shows the modification of a profile "based on usage or inheritance" and shows "inheritance of user profile attributes into the user profile from a group in which the user is a member as 'values may be weighted by various categories...the system can create and update a separate probability table for each category [group] to be used, col. 10, lines 47-64.'" (Office Action at p. 2-3.) The Examiner supported this assertion by quoting the reference as disclosing that "'an entire subscriber database' [group] inherits the attribute to be able to view or not view pornography." (Office Action at 7-8.) Applicants respectfully assert that the Becker does not teach the claimed features and that Examiner has substantively misquoted and misapplied the reference.

Applicants note that Becker is directed to the estimation of web pages most likely to be requested by a requesting computer. To that end, Becker tracks patterns of requests for pages. This information is kept in the form of a table that is used to identify and/or predict those pages that are often requested following each requested page or sequence of pages.

The Examiner first cited col. 9, lines 59-60. This portion of Becker discloses a multi-level prediction table wherein "one or more previously selected pages 540 as well as the currently selected page 550 is used to predict the likely next-to-be-selected page 560." Applicants recognize that this portion of Becker shows the use of a prediction table. However, even if the prediction table were a user profile (and Applicants assert that it is not) the cited portion of the reference does not teach inheriting user profile attributes into the user profile from a group of which the user is a member. At col. 9, lines 61-64, Becker describes a multi-level table as one in which "each column again represents a particular page that may be selected, while each row represents a particular ordered combination of previously-selected pages." Applicants assert that while the table of Becker receives data, there is no disclosure of inheriting either data or user profile attributes into the table from a group of which a user is a member.

The Examiner further cited col. 10, lines 47-64, as showing the inheritance of user profile attributes. This portion of Becker discloses that values in the prediction table may be weighted by various categories including statistics about users. Specifically, Becker at col. 10, lines 56-60, discloses that "[v]alues 520 can be set to zero to discourage viewers of a household (or entire subscriber base for the Internet Services Provider) from viewing pornography or other material. For example, in step 290 a page would have zero probability and therefore never be predictively cached." Applicants assert that this portion of Becker also fails to disclose the inheriting user profile attributes into the user profile from a group of which the user is a member. This portion of Becker discloses merely that a value in the table can be set for a plurality of subscribers. The table of Becker is shown in Fig. 5A. The table is simply a two dimensional data table representing the

probabilities of transitioning from one web page to another. Applicants submit that the setting of a probability value to zero for viewers of a household or even an entire subscriber base does not involve the inheriting user profile attributes into a user profile from a group of which the user is a member. Furthermore, the disclosure in Becker at col. 10, lines 47-64 of a "category to be used" does not teach a group, as suggested by the Examiner. Rather, the categories of Becker can include time, age group of user browsing the web, statistics about users and income level. Applicants assert that this disclosure of a category in Becker does not teach a group of which the user is a member.

Applicants respectfully assert that the Examiner has substantively misquoted Becker. While the Examiner stated at p. 7-8 that Becker discloses that "'an entire subscriber database' [group] inherits the attribute to be able to view or not view pornography," the reference makes no such disclosure. Becker merely discloses setting values in a prediction table so that an "entire subscriber base" can be prevented from viewing certain material. Applicants submit that a "subscriber base" is a group of viewers while a "subscriber database" is a structured set of persistent data associated with subscribers. There is a significant difference between a "subscriber base" and a "subscriber database." Because a group of viewers cannot inherit an attribute as those terms are used in this application, the inheritance described by the Examiner as disclosed by Becker cannot occur. Even if Becker disclosed a "subscriber database" or a group, Applicants submit that that the Examiner has not identified any portion of Becker that discloses inheriting attributes into a profile from a group of which the user is a member.

The Examiner also stated that the Becker and Kramer teach storing the user profile information in a hierarchical attribute value-pair data structure. At p. 3 of the Office Action, the Examiner stated that "Becker teaches a hierarchical attribute value pair type data structure that can be called a donut, col. 9, lines 1-10." While Applicants recognize that Becker discloses a simple table for storing values, Applicants assert that the data stored in the tables of Becker is not in a "value-pair" data structure and that the data stored in the tables of Becker is not hierarchical.

Despite the Examiner's assertion that Becker teaches these features, the Examiner also stated that "Becker teaches the invention...except for explicitly teaching a hierarchical attribute value pair data structure." Applicants recognize that Becker does not teach this feature.

The Examiner stated that Kramer teaches "the consumer profile includes hierarchical attribute vectors which encode attributes of a consumer at progressively higher levels of abstraction." While Applicants recognize that Kramer teaches a set of hierarchical attribute vectors, Applicants submit that Kramer does not teach a value-pair data structure. The attribute vector of Kramer is shown in Fig. 9 of Kramer. Fig. 9, consistently with the specification of Kramer, shows that the hierarchical attribute vector is a one-dimensional array. Kramer at col. 22, lines 17-22 further describes the hierarchical attribute vector as "a base level vector 902 shows the vector quantity x comprising a number of base level attributes, having scalar values $x_1$, $x_2$, $x_3$, up to $x_n$. Each scalar value can represent a different consumer attribute." Thus, Kramer discloses a simple vector array of values. While Kramer discloses a hierarchical relationship among that vectors, there is no disclosure of a value-pair data structure.

The Examiner further cited Savitsky (U.S. Patent No. 6,012,083) as teaching rules that read on a hierarchical attribute value pair data structure. In support of this rejection, the Examiner referred to col. 11, lines 32-34 of Savitsky as showing an agent that modifies a page according to filtering rules before documents are returned to a client. The quoted portion of Savitsky is the only portion of Savitsky that refers to a rule. Applicants respectfully submit that the minimal disclosure in Savitsky does not teach a hierarchical attribute value pair data structure because it does not teach a value-pair data structure or a hierarchical relationship.

For at least these reasons, Applicants respectfully request that the rejection of independent claims 149, 158, 164, 170 and 175 be withdrawn. Claims 150-157, 159-163, 165-169, 171-174 and 176-183 depend from independent claims 149, 158, 164, 170 and 175. Applicants respectfully submit that they have shown the patentability of at least independent claims 149, 158, 164, 170 and

175. Accordingly, claims 150-157, 159-163, 165-169, 171-174 and 176-183 are themselves patentable insofar as they depend from patentably distinct independent claims. Applicants make this assertion without reference to the independent bases of patentability contained within each dependent claim. Accordingly, Applicants respectfully request the Examiner withdraw the rejections and allow all pending dependent claims.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 55944-20006.00.

Dated: December 8, 2004

Respectfully submitted,

By _____

James M. Denaro
Registration No.: 54,063
MORRISON & FOERSTER LLP
1650 Tysons Blvd, Suite 300
McLean, Virginia 22102
(703) 760-7739